

United States Environmental Protection Agency
Region 10
Office of Air Waste and Toxics
1200 Sixth Avenue
Seattle, Washington 98101



AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

Permit Number: R10T5-WA-03-01M1

Issue Date: May 24, 2005

Expiration Date: June 9, 2008

Effective Date: May 24, 2005

Replaces Permit No.: R10T5-WA-03-01 issued on June 10, 2003


In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

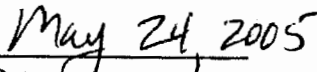
Colville Tribal Enterprise Corporation,
doing business as (dba) Colville Indian Power & Veneer (CIPV)

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. This source is authorized to operate in the following location:

Colville Reservation
1100 Eighth Avenue East
Omak, Washington
Latitude: 48° 24' 2" Longitude: 119° 31' 6"

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act. The permit number cited above should be referenced in future correspondence regarding this facility.


Richard Albright, Director
Office of Air Waste and Toxics


Date May 24, 2005

Abbreviations and Acronyms

bf	Board foot (one "board foot" equals lumber that is 12 inches by 12 inches by 1 inch)
Btu	British thermal units
CAA	Clean Air Act [42 U.S.C. section 7401 et seq.]
CAM	Compliance assurance monitoring
CFR	Code of Federal Regulations
CO	Carbon monoxide
EIP	Economic Incentives Programs
EPA	United States Environmental Protection Agency (also U.S. EPA)
gal	Gallon
gr/dscf	Grains per dry standard cubic foot (7,000 grains = 1 pound)
HAP	Hazardous air pollutant
hp	Horsepower
hr	Hour
I.D. No.	Identification number
kg	Kilogram
lb	Pound
m	One thousand
MACT	Maximum Achievable Control Technology
Mg	Megagram
mm	One million
mo	Month
MSDS	Material safety data sheet
msf	Thousand square feet
MVAC	Motor vehicle air conditioner
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen oxides
NSPS	New Source Performance Standard
NSR	New source review
PM	Particulate matter
PM10	Particulate matter less than or equal to 10 microns in aerodynamic diameter
ppm	Parts per million
PSD	Prevention of significant deterioration
psia	Pounds per square inch absolute
PTE	Potential to emit
RMP	Risk management plan
SNAP	Significant New Alternatives Program
SO2	Sulfur dioxide
tpy	Tons per year
VOC	Volatile organic compounds

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I. Source Identification

The information in this section is for informational purposes only.

Company Name/Mailing Address: Colville Tribal Enterprise Corporation
P.O. Box 3293
Omak, WA 99116

Plant Name/Mailing Address: Colville Indian Power & Veneer (CIPV)
P.O. Box 3245
Omak, WA 98841

Plant Location: 1100 Eighth Avenue East
Omak, Washington

County: Okanogan **EPA Region:** 10

Reservation: Colville

Tribe: Confederated Tribes of the Colville Reservation

Company Contact: Louis Toulou **Phone:** 509-422-0600
Title: Plant Manager **Fax:** 509-422-3323

Plant Manager/Contact: Louis Toulou **Phone:** 509-422-0600
Title: Plant Manager **Fax:** 509-422-3323

Responsible Official: Louis Toulou **Phone:** 509-422-0600
Title: Plant Manager **Fax:** 509-422-3323

Tribal Contact: Gary Passmore **Phone:** 509-634-2426
Title: Environmental Programs **Fax:** 509-634-2387
Manager

AFS Plant Identification Number: 53-047-00001 **SIC Code:** 2436, 4911 & 2421

Description of Process: The facility manufactures green and dry veneer and softwood plywood, produces electricity and dries lumber that is brought to the plant. Byproducts include wood chips and lathed log cores. The raw materials for the plant includes logs, hogged fuel and sawdust.

Other Clean Air Act Permits: none

II. Permit Shield

A. Compliance with the terms and conditions of this permit shall be deemed compliance with the applicable requirements specifically listed in this permit as of the date of

permit issuance.

[40 CFR § 71.6(f)(1)(i)]

- B. The following requirements have been determined not to apply to this facility as of the date of permit issuance for the reason stated (see statement of basis for more details):
1. 40 CFR part 60, subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, because the boilers were installed before the applicability date of the regulations.
- C. Nothing in this permit shall alter or affect the following:
1. The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section;
 2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 3. The applicable requirements of the acid rain program, consistent with section 408(a) of the Clean Air Act; or,
 4. The ability of the EPA to obtain information under section 114 of the Clean Air Act.

[40 CFR § 71.6(f)(3)]

III. Requirements for Specific Units

- A. Veneer Dryers (VD-1 & VD-2) [vented through boilers (RSB-1 & RSB-2) and boiler multiclones and wet scrubbers (WS-1 & WS-2)]
1. Emission & Operational Limitations
 - a. Emissions from the boiler wet scrubber stacks (combined) shall not exceed the limits set forth in Table A while the veneer dryers are vented to the boilers' combustion chambers, as determined by the following compliance determination method:
 - (1) For each month, the rolling 12-month average emissions shall be determined by calculating the emissions (tons) for each month and adding the emissions (tons) calculated for the previous 11 months;
 - (2) Monthly dryer emissions (tons) shall be determined by multiplying the dryer emission factor (lb/msf) by the recorded (see paragraph III.A.3.g) monthly veneer dryer production rate (msf/month) and dividing by 2000 lb/ton;
 - (3) The dryer emission factor (lb/msf) shall be the highest of the emission factor shown in Table A or the emission factors determined in any of the following source tests conducted between June 10, 2003 and the last day of the month preceding the month for which emissions are being calculated: Boiler 1 Test Mode C, Boiler 2 Test Mode C, and Boiler 1 Test Mode B plus Boiler 2 Test Mode B; and

Table A - Veneer dryer emission factors, emission limits and test methods

Pollutant	Initial Emission Factor (lb/msf⁵)	Annual⁴ Emission Limit (tons/year)	Reference Test Method (RM)
PM	0.0263	3.8	RM 5 (40CFR60 Appendix A - PM)
PM10 (including condensible PM10)	0.1013	14.5	RM 202 (40CFR51 Appendix M - condensible PM10) and RM 201 or RM 201A (40CFR51 Appendix M - PM10)
VOC (as THC minus methane ¹ plus methanol ² & formaldehyde ³)	0.1391	19.9	RM 25A (40CFR60 Appendix A - THC) and RM 18 (40CFR60 Appendix A - methane) and Method 0011 (EPA Publication No. SW-846 - formaldehyde) and Method 308 (40CFR63 Appendix A - methanol)

1 - Measuring and subtracting methane emissions is optional.

2 - Approved alternatives to method 308 include Method 320 (40CFR63 Appendix A); the NCASI Method CI/WP-98.01 (see § 63.14(f)); or the NCASI Method IM/CAN/WP-99.01 (see § 63.14(f)).

3 - Approved alternatives to method 0011 include Method 316 (40CFR63 Appendix A); Method 320 (40CFR63 Appendix A); the NCASI Method CI/WP-98.01 (see § 63.14(f)); or the NCASI Method IM/CAN/WP-99.01 (see § 63.14(f)).

4 - Annual emission limit is on a rolling 12-month basis.

5 - On a 3/8" basis.

- b. All veneer dryer emissions shall be vented to one or both boilers' combustion chambers at all times that veneer dryers operate. The veneer dryer control system bypass shall not be opened at any time that the veneer dryers operate.
- c. The boilers shall be operated at all times that veneer dryer emissions are vented to the boilers' combustion chambers. An electrical interlock (veneer dryer lockout) must be installed and maintained such that the veneer dryers can not be operated unless at least one boiler is operating.
- d. The boiler multiclones and wet scrubbers shall be operated at all times that the boilers operate.
- e. The boilers, veneer dryers and boiler multiclone and wet scrubbers shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions at all times. Good air pollution control practices include, but are not limited to, maintaining the veneer dryer door seals to minimize emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available which may include, but is not limited to, testing and monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.
- f. The total hourly production rate of either veneer dryer shall not exceed 16,320 sf/hour, 3/8" basis. Any physical change or change in the method of operation of the facility necessary to realize this production rate may be subject to

additional permitting requirements.

- g. At any time that the veneer dryers are vented to the boilers' combustion chambers, the 6-minute average opacity from the boiler wet scrubbers' stacks shall not exceed 5 percentage points added to the average opacity recorded during the most recent PM and PM10 emission testing as determined using Reference Method 9 (40 CFR 60 App A).
- h. At any time that the veneer dryers are vented to a boiler's combustion chambers, the oxygen in the boiler exhaust (instantaneous reading) shall not be less than the lowest oxygen level recorded during any of the facility's VOC, PM or PM10 emission testing for that emission unit, where the test demonstrated compliance with the applicable emission limits for each of the three pollutants and in each test run.
- i. At any time that the veneer dryers are vented to a boiler's combustion chambers, the temperature of the boiler exhaust (instantaneous reading) shall not be less than the lowest temperature recorded during any of the facility's VOC, PM, or PM10 emission testing for that emission unit, where the test demonstrated compliance with the applicable emission limits for each of the three pollutants and in each test run.
- j. At any time that the veneer dryers are vented to a boiler's combustion chambers, the pressure drop across the boiler wet scrubber shall not be less than the lowest pressure drop recorded during any of the facility's PM and PM10 emission testing for the emission unit, where the test demonstrated compliance with the applicable emission limits for each of the two pollutants and in each test run.
- k. Not later than 45 days after completion of each emission test required under paragraph III.A.2, or other emission test required by EPA, the permittee shall submit to EPA a request for a minor permit modification [see 40 CFR 71.7(e)(1) and paragraph XII.C] to incorporate into the permit, the operational limits determined through the most recent emission testing, specified in paragraphs III.A.1.f through III.A.1.j. The permittee shall comply with the operational limits specified in the request for minor permit modification immediately upon submission of the request.

[section 304(f)(4) of the CAA and 40 CFR § 71.6(b)]

2. Testing Requirements

- a. Within 60 days of achieving normal operating rates, but no more than 180 days after beginning operation of the veneer dryers, emissions from the veneer dryers and boilers shall be tested as described below:
 - (1) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are not vented to the boiler being tested (referred to as Test Mode A).
 - (2) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and the veneer dryers' emissions are venting to the boilers (with no less than 45% of the

- dryer emission venting to each boiler) (referred to as Test Mode B).
- (3) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and all of the veneer dryers' emissions are venting to the boiler that is being tested (referred to as Test Mode C).
 - (4) The average boiler steam production rate measured during the emission testing required by paragraph III.A.2.a(1) shall not exceed the average steam production rate measured during the emission testing required by paragraphs III.A.2.a(2) and III.A.2.a(3).
- b. No later than June 30, 2005, emissions from the veneer dryers and boilers shall be tested as described below:
- (1) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rate and the veneer dryers are not vented to it (referred to as Test Mode A).
 - (2) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and the veneer dryers' emissions are venting to the boilers (with no less than 45% of the dryer emission venting to each boiler) (referred to as Test Mode B).
 - (3) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and all of the veneer dryers' emissions are venting to the boiler that is being tested (referred to as Test Mode C).
 - (4) The average boiler steam production rate measured during the emission testing required by paragraph III.A.2.b(1) shall not exceed the average steam production rate measured during the emission testing required by paragraphs III.A.2.b(2) and III.A.2.b(3).
- c. No later than July 31, 2006, but no earlier than April 30, 2006, emissions from the veneer dryers and boilers shall be tested as described below:
- (1) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rate and the veneer dryers are not vented to it (referred to as Test Mode A).
 - (2) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and the veneer dryers' emissions are venting to the boilers (with no less than 45% of the dryer emission venting to each boiler) (referred to as Test Mode B).
 - (3) Test each boiler wet scrubber stack emissions (lb/hr for PM, PM10, VOC) while the boilers are running at their normal operating rates and the veneer dryers are operating at their maximum operating rates and all of the veneer dryers' emissions are venting to the boiler that is being tested (referred to as Test Mode C).
 - (4) The average boiler steam production rate measured during the emission

testing required by paragraph III.A.2.c(1) shall not exceed the average steam production rate measured during the emission testing required by paragraphs III.A.2.c(2) and III.A.2.c(3).

- d. During each test run required by paragraph III.A.2, the following parameters shall be monitored and recorded:

- (1) The opacity (%), recorded during and for the duration of each test run using Reference Method 9 (40 CFR 60, Appendix A).
- (2) The opacity (%), recorded for the duration of each test run by the continuous opacity monitoring system installed upstream of the wet scrubber.
- (3) The hogged fuel moisture content (% dry basis) and ash (%) content using ASTM methods and based on a composite sample taken during each emission test period and taken from the feed system to the boilers. Estimate the amount of sawdust mixed in with each sample.
- (4) The production rates for each boiler (mlb steam) and each veneer dryer (msf veneer), including the veneer redry rate (%) and wood specie dried for each dryer, for the duration of each test run.
- (5) Any leakage from the veneer dryers, the ducting from the veneer dryers to the boilers, or the control system bypass based on visual observations at the beginning and end of each test run.

- e. No later than December 31, 2007, but no earlier than August 1, 2007, emissions from the veneer dryers and boilers shall be tested as specified by paragraphs III.A.2.a and III.A.2.d.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

3. Monitoring and Recordkeeping Requirements

- a. The permittee shall install, calibrate, operate and maintain any equipment necessary to achieve the monitoring specified in paragraph III.A.3.
- b. At all times that the boilers operate, the oxygen levels (%) in each boiler's exhaust shall be monitored continuously and recorded hourly. An alarm indicating oxygen levels outside of the range set by paragraph III.A.1.h shall be operated at all times and recorded when triggered.
- c. At all times that the boilers operate, the temperature (°C) in each boiler's exhaust shall be monitored continuously and recorded continuously on a circular chart.
- d. At all times that the boilers operate, the pressure drop (inches of water) across each boiler wet scrubber shall be monitored continuously and recorded hourly.
- e. At all times that the boilers operate, the pressure drop (inches of water) across each boiler multiclone shall be monitored continuously and recorded hourly.
- f. At all times that the boilers operate, the boiler steam production rate (mlb/hr) shall be monitored continuously and recorded continuously on a circular chart.
- g. At all times that the veneer dryers operate, the daily dry veneer production rate (msf/hr) and daily hours of operation for each dryer shall be monitored and recorded daily.
- h. At all times that the veneer dryers operate, the specie of wood (% by specie) dried in each veneer dryer shall be monitored and recorded hourly.

- i. Each day that the boilers operate, grate cleaning activities (starting and ending times) for each boiler shall be recorded.
- j. Once each week, the veneer dryers, the ducting from the dryers to the boilers, and the control system bypass shall be inspected for leakage, recording where and day, time and duration that any leakage is observed.
- k. Once each month during which the boilers operate for any period of time, the 6-minute average opacity (%) from each boiler wet scrubber stack shall be observed and recorded for at least 60 minutes using Reference Method 9.
- l. The date, time and duration during which the dryer control system bypass is open while a veneer dryer is operating shall be contemporaneously recorded.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

4. Reporting Requirements

- a. Reserved.
- b. Test reports should be submitted pursuant to paragraph VII.A.5 and VII.A.6. Include with each test report, dryer emission factors as determined by the following techniques for each test mode:
 - (1) Dryer emission factor when venting to two boilers. Calculate the "average dryer contribution" (lb/hr) to the boiler emissions by subtracting the average boiler wet scrubber emission rate (lb/hr) measured in Test Mode A from the average boiler wet scrubber emission rate (lb/hr) measured in Test Mode B. Determine the dryer emission factor (lb/msf 3/8" veneer) by dividing the calculated "average dryer contribution" (lb/hr) by the average dryer production rate (msf/hr 3/8" veneer) measured during the test in Test Mode B.
 - (2) Dryer emission factor when venting to one boiler. Determine the "average dryer contribution" (lb/hr) to the boiler emissions by subtracting the average boiler wet scrubber emission rate (lb/hr) measured in Test Mode A from the average boiler wet scrubber emission rate (lb/hr) measured in Test Mode C. Determine the dryer emission factor (lb/msf 3/8" veneer) by dividing the calculated "average dryer contribution" (lb/hr) by the average dryer production rate (msf/hr 3/8" veneer) measured during the test in Test Mode C.

[40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); 71.6(c)(1)]

IV. Facility-Wide Requirements

- A. Conditions in section IV of the permit apply to the facility as a whole.
- B. Chemical Accident Prevention Program - The permittee shall comply with the requirements of the Chemical Accident Prevention Provisions at 40 CFR part 68 no later than the latest of the following dates:
 - 1. Three years after the date on which a regulated substance, present above the threshold quantity in a process, is first listed under 40 CFR § 68.130; or,
 - 2. The date on which a regulated substance is first present above a threshold quantity in a process.

[40 CFR § 68.10]

C. Stratospheric Ozone and Climate Protection

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR part 82, subpart F, except as provided for motor vehicle air conditioners (MVACs) in 40 CFR part 82, subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR § 82.166. ("MVAC-like appliance" is defined at 40 CFR § 82.152.)
 - e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR § 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR § 82.166.

[40 CFR part 82, subpart F]

2. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee must comply with all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners.

[40 CFR part 82, subpart B]

D. Asbestos Removal and Disposal

1. The permittee shall comply with 40 CFR part 61, subpart M when conducting any renovation or demolition at the facility.

[40 CFR part 61, subpart M]

V. General Testing Requirements

- A. In addition to the specific testing requirements contained in this permit (see Section III), the permittee shall comply with the following generally applicable testing requirements whenever conducting a performance test required by this permit unless specifically stated otherwise in this permit:

1. Submit to EPA a source test plan 45 days prior to any required testing. The source test plan shall include and address the following elements:
 - a. Purpose and scope of testing;
 - b. Source description, including a description of the operating scenarios and mode of operation during testing and including fuel sampling and analysis procedures;
 - c. Schedule/Dates of testing;
 - d. Process data to be collected during the test and reported with the results, including source-specific data identified in section III;

- e. Sampling and analysis procedures, specifically requesting approval for any proposed alternatives to the reference test methods, and addressing minimum test length (e.g., one hour, 8 hours, 24 hours, etc.) and minimum sample volume;
 - f. Sampling location description and compliance with the reference test methods;
 - g. Analysis procedures and laboratory identification;
 - h. Quality assurance plan;
 - i. Calibration procedures and frequency;
 - j. Sample recovery and field documentation;
 - k. Chain of custody procedures;
 - l. QA/QC project flow chart;
 - m. Data processing and reporting;
 - n. Description of data handling and QC procedures;
 - o. Report content and timing.
2. Unless EPA determines in writing that other operating conditions are representative of normal operations or unless specified in section III, the source shall be operated at a capacity of at least 90% but no more than 110% of maximum during all tests.
 3. Only regular operating staff may adjust the processes or emission control devices during or within 2 hours prior to the start of a source test. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
 4. For the duration of each test run (unless otherwise specified), the permittee shall record the following information:
 - a. All data which is required to be monitored in section III during the test;
 - b. All continuous monitoring system data which is required to be routinely monitored in sections III and VI for the emission unit being tested.
 5. Each source test shall follow the reference test methods specified by this permit and consist of at least three (3) valid test runs. Alternatives to the reference test methods specified in section III, other than approved alternatives noted in that section, must be requested in writing, 30 days prior to testing, and approved by EPA in writing prior to testing.
 6. Facilities for performing and observing the emission testing shall be provided that meet the requirements of 40 CFR 60.8(e) and Reference Method 1 (40CFR60 Appendix A).

[40 CFR §§ 71.6(a)(3)(i), 40 CFR §§ 71.6(c)(1)]

VI. General Recordkeeping Requirements

- A. In addition to the specific recordkeeping requirements contained in this permit, the permittee shall comply with the following generally applicable recordkeeping requirements:
 1. The permittee shall keep records of required monitoring information that include the following:

- a. The date, place, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and,
- f. The operating conditions as existing at the time of sampling or measurement.

[40 CFR § 71.6(a)(3)(ii)(A)]

- 2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

[40 CFR § 71.6(a)(3)(ii)(B)]

VII. General Reporting Requirements

- A. In addition to the specific reporting requirements contained in this permit, the permittee shall comply with the following generally applicable reporting requirements:

- 1. The permittee shall submit to EPA reports of any required monitoring for each six month reporting period from July 1 to December 31 and from January 1 to June 30, except that the first reporting period shall begin on the effective date of this permit and end on December 31. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with paragraph VII.B.

[40 CFR § 71.6(a)(3)(iii)(A)]

- 2. The permittee shall promptly report to EPA, by telephone or facsimile, deviations from permit conditions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. For the purposes of section VII of the permit, prompt is defined as follows:

- a. Any definition of prompt or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit.
- b. Where the underlying applicable requirement fails to address the timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - (2) For emissions of any regulated pollutant excluding those listed in paragraph VII.A.2.b(1) above, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours of the occurrence.

- (3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph VII.A.1.

[40 CFR § 71.6(a)(3)(iii)(B)]

3. For the purposes of paragraph VII.A.2 above, the permittee shall report deviations using the following numbers:

Telephone: (206) 553-1505

Facsimile: (206) 553-0110

Attn: Part 71 Deviation Report

[40 CFR § 71.6(a)(3)(iii)(B)]

4. Within 10 working days of the occurrence of a deviation as provided in paragraph VII.A.2 above, the permittee shall also submit a written notice to EPA, certified consistent with paragraph VII.B. of this permit.

[40 CFR § 71.6(a)(3)(iii)(B)]

- a. For the purposes of section VII of this permit, deviation means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping required by this permit. For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (1) A situation when emissions exceed an emission limitation or standard;
- (2) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
- (3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;
- (4) A situation where any testing, monitoring, recordkeeping or reporting required by this permit is not performed or not performed as required; and,
- (5) A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs.

[40 CFR § 71.6(a)(3)(iii)(C)]

5. Source test emission data shall be reported as the arithmetic average of all valid test runs and in the terms of any applicable emission limit, unless otherwise specified in section III.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

6. EPA shall be notified of any delay to the emission testing schedule as soon as possible.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

7. Emission test reports shall be submitted to EPA within 60 days of completing any emission test required by this permit along with items required to be recorded in paragraph V.A.4 above.

[40 CFR §§ 71.6(a)(3)(iii), 40 CFR §§ 71.6(c)(1)]

B. Document Certification

1. Any document required to be submitted under this permit shall be certified by a

responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Air Quality Permits
U.S. EPA - Region 10, OAWT 107
1200 Sixth Avenue
Seattle, WA 98101

[40 CFR § 71.5(d), § 71.6(c)(1) and § 71.9(h)(2)]

VIII. Compliance Requirements

A. Compliance with the Permit

1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal.

[40 CFR § 71.6(a)(6)(i)]

2. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[40 CFR § 71.6(a)(6)(ii)]

3. For the purpose of submitting compliance certifications in accordance with paragraph VIII.B. of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[section 113(a) and 113(e)(1) of the CAA, 40 CFR § 51.212, § 52.12, § 52.33, § 60.11(g), and § 61.12.]

B. Compliance Certification

1. The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year except that the first certification shall cover the period from the effective date of this permit through December 31. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with paragraph VII.B of this permit.

[40 CFR § 71.6(c)(5)]

2. The certification shall include the following:

- a. The identification of each permit term or condition that is the basis of the

certification.

- b. The identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
- c. The status of compliance with each term and condition of the permit for the period covered by the certification, based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- d. Whether compliance with each permit term was continuous or intermittent.

[40 CFR § 71.6(c)(5)(iii)]

C. Emergency Provisions

- 1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and,
 - d. The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of paragraph VII.A.2 of this permit, concerning prompt notification of deviations.

[40 CFR § 71.6(g)]

- 2. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.

[40 CFR § 71.6(g)]

- 3. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused

by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[40 CFR § 71.6(g)]

D. Compliance Schedule

1. For applicable requirements with which the source is in compliance, the permittee will continue to comply with such requirements.

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(A)]

2. For applicable requirements that will become effective during the permit term, the permittee shall meet such requirements on a timely basis.

[40 CFR § 71.6(c)(3) and § 71.5(c)(8)(iii)(B)]

IX. Payment of Fees

- A. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR § 71.9(a)]

- B. No later than November 15 of each year, the permittee shall submit full payment of the annual permit fee for the preceding calendar year.

[40 CFR § 71.9(h)]

- C. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

[40 CFR § 71.9(k)(1)]

- D. The permittee shall send fee payment and a completed fee filing form to:

Mellon Bank
U. S. EPA Region 10
P. O. Box 360903M
Pittsburgh, PA 15251

[40 CFR § 71.9(k)(2)]

- E. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by November 15 of each year to the address listed in paragraph VII.B.2 of this permit.¹

[40 CFR § 71.9(h)(1)]

- F. Basis for calculating annual fee:

1. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)"² emitted from the

¹The permittee should note that an annual emissions report (see permit condition VIII), required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet form which is available from EPA's website at: <http://www.epa.gov/airprog/oar/oaqps/permits/p71forms.html>

²The term "regulated pollutant (for fee calculation)" is defined in 40 CFR § 71.2.

source by the presumptive emission fee ³ (in dollars/ton) in effect at the time of calculation.

[40 CFR § 71.9(c)(1)]

2. "Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation), as defined in 40 CFR § 71.2, emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR § 71.9(c)(6)]

3. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

[40 CFR § 71.9(h)(3)]

4. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR § 71.9(e)(2)]

5. The permittee shall exclude the following emissions from the calculation of fees:

- a. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;

[40 CFR § 71.9(c)(5)(i)]

- b. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR § 71.9(c)(5)(ii)]

- c. The insignificant quantities of actual emissions not required to be listed or calculated in a permit application pursuant to 40 CFR 71.5(c)(11).

[40 CFR § 71.9(c)(5)(iii)]

6. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with paragraph VII.B of this permit.⁴

[40 CFR § 71.9(h)(2)]

7. The permittee shall retain in accordance with the provisions of paragraph VI.A.2 of this permit, all work sheets and other materials used to determine fee payments. Records shall be retained for five years following the year in which the emissions data is submitted.

[40 CFR § 71.9(i)]

8. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).

[40 CFR § 71.9(l)]

9. The permittee, when notified by EPA of additional amounts due, shall remit full

³The presumptive emission fee (per ton fee) amount is revised each calendar year to account for inflation and is available from EPA prior to the start of each calendar year.

⁴The permittee should note that the fee calculation worksheet form incorporates a section that includes this requirement.

payment within 30 days of receipt of an invoice from EPA.

[40 CFR § 71.9(j)(2)]

10. If the permittee thinks an EPA assessed fee is in error and wishes to challenge such fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR § 71.9(j)(3)]

X. Annual Emissions Inventory

- A. The permittee shall submit an annual emissions report of its actual emissions for the preceding calendar year. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by November 15 of each year. The annual emissions report shall be submitted to EPA at the address listed in paragraph VII.B.2 of this permit.⁵

[40 CFR § 71.9(h)(1) and (2)]

XI. Standard Terms and Conditions

A. Duty to Provide and Supplement Information

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR § 71.6(a)(6)(v), § 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information.

[40 CFR § 71.5(b)]

B. Severability Clause

1. The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

[40 CFR § 71.6(a)(5)]

C. Property Rights

1. This permit does not convey any property rights of any sort, or any exclusive privilege.

[40 CFR § 71.6(a)(6)(iv)]

D. Inspection and Entry

1. Upon presentation of credentials and other documents as may be required by law,

⁵The permittee should note that an annual emissions report, required at the same time as the fee calculation worksheet by 40 CFR § 71.9(h), has been incorporated into the fee calculation worksheet.

the permittee shall allow EPA or an authorized representative to perform the following:

- a. Enter upon the permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- d. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[40 CFR § 71.6(c)(2)]

XII. Permit Changes

A. Permit Actions

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[40 CFR § 71.6(a)(6)(iii)]

B. Permit Revisions

1. Revisions to the permit may be requested and will be processed in accordance with the provisions for administrative permit amendments (40 CFR 71.7(d)); minor permit modifications (40 CFR 71.7(e)(1) and (2)); and significant permit modifications (40 CFR 71.7(e)(3)).

[40 CFR § 71.7(d), 40 CFR § 71.7(e)]

C. Reserved.

D. Reserved.

E. Reserved

F. Reopening for Cause

1. The permit may be reopened by EPA and the permit revised prior to expiration under any of the following circumstances:
 - a. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
 - c. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or

conditions of the permit.

- d. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

[40 CFR § 71.7(f)]

G. Off Permit Changes

1. The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:
 - a. Each change is not addressed or prohibited by this permit.
 - b. Each change shall meet all applicable requirements and shall not violate any existing permit term or condition.
 - c. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of Title I of the Clean Air Act.
 - d. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
 - e. The permit shield does not apply to changes made under this provision.
 - f. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

[40 CFR § 71.6(a)(12)]

H. Emissions Trading and Operational Flexibility

1. The permittee is allowed to make a limited class of changes under section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
 - a. Changes that would violate applicable requirements; or
 - b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[40 CFR § 71.6(a)(13)(i)]

2. The permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy this permit.

[40 CFR § 71.6(a)(13)(i)(A)]

3. Any permit shield provided under 40 CFR § 71.6(f) does not apply to changes made under this provision.

[40 CFR § 71.6(a)(13)(i)(B)]

I. Permit Expiration and Renewal

1. This permit shall expire upon the earlier occurrence of the following events:

- a. The expiration date indicated on page one of this permit; or
- b. The source is issued a part 70 or part 71 permit by the Colville Confederated Tribes under an EPA approved or delegated permit program.

[40 CFR § 71.6(a)(11)]

- 2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the date of expiration of this permit.**

[40 CFR § 71.5(a)(1)(iii)]

- 3. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to 40 CFR § 71.6(f) shall remain in effect until the renewal permit has been issued or denied. This permit shield shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.**

[40 CFR § 71.7(c)(3), § 71.7(b)]

- 4. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.**

[40 CFR § 71.7(c)(1)]

- 5. The application to EPA for renewal shall include the current permit number, a description of permit revisions and off-permit changes that occurred during the permit term and were not incorporated into the permit during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.**

[40 CFR § 71.5(a)(2) and § 71.5(c)(5)]